Mini Glossary | Core Terms

- Chapter 150E — Massachusetts law governing collective bargaining for covered public employers and employees.
- Union / exclusive representative — The organization representing the bargaining unit in bargaining and contract enforcement, including employees who are not union members.
- Bargaining unit — The defined group of employee positions represented together. One union can represent multiple units with separate agreements.
- Collective bargaining agreement (CBA) — The negotiated contract establishing wages, hours, benefits, and other terms and conditions, including dispute-resolution provisions.
- Memorandum of agreement (MOA) — A written agreement documenting a settlement or particular change; relevant MOAs may supplement the CBA.
- Collective bargaining — Negotiation between the public employer and union over wages, hours, and other terms and conditions of employment.
- Good-faith bargaining — Meaningful participation in the bargaining process; it does not require agreement to every proposal or concessions.
- Management rights — Employer authority to manage operations within applicable law and contract limits. A decision and its effects require separate consideration.
- Successor bargaining — Negotiating the next collective bargaining agreement; often called main-table bargaining.
- Interim bargaining — Negotiating an issue during an existing agreement rather than waiting for the next full contract negotiation.
- Impact bargaining — Bargaining over the effects of a management decision on represented employees where required.

Educational overview; applicable law, agreements, and circumstances govern. Consult your municipality's HR team and labor counsel.

Mini Glossary | Rights and Disputes

- Mandatory subjects — Subjects such as wages, hours, and other terms and conditions over which bargaining is required.
- Permissive subjects — Subjects the parties may negotiate voluntarily but cannot require the other side to bargain over. Managerial decisions and their effects need separate analysis.
- Discipline / progressive discipline — Responses to conduct or performance concerns; progressive discipline uses increasingly serious responses when improvement does not occur, subject to the facts and agreement.
- Just cause — A contractual standard for fair, supportable discipline and process; assess the applicable agreement and circumstances.
- Due process — Procedural protections applicable to covered employees, including notice and an opportunity to respond in relevant circumstances.
- Weingarten — Representation rights upon request during an investigatory interview the represented employee reasonably believes could lead to discipline.
- Grievance — A formal contract dispute or claim of a violation, as defined by the applicable CBA.
- Arbitration — Submission of a dispute to an arbitrator under the applicable agreement and law.
- Direct dealing — Negotiating bargainable changes with employees rather than through their exclusive representative.
- Prohibited practice / unfair labor practice — Conduct violating Chapter 150E, such as unlawful interference, retaliation, or refusal to bargain in good faith.
- DLR — Massachusetts Department of Labor Relations, which administers the public-sector collective bargaining framework.

Educational overview; applicable law, agreements, and circumstances govern. Consult your municipality's HR team and labor counsel.

Management Rights in Practice | Worksheet

Slides 17–19 | Discuss with a neighbor for one minute. Answers will be discussed together.

Scenario

A municipality wants to improve access to its Treasurer/Collector's Office during peak tax-payment periods. It proposes opening the counter one evening each week, adjusting represented employees' schedules to cover the extended hours, and cross-training staff to redistribute responsibilities. The Treasurer/Collector plans to announce the changes at next week's staff meeting and begin the following month.

1. The operational goal

What is management trying to accomplish?

_____
_____
_____

2. The employee effects

What would change for represented employees?

_____
_____
_____

3. The process

What should be reviewed—and who should be involved—before moving forward?

_____
_____
_____

A reasonable goal still needs the right process.

Educational overview; applicable law, agreements, and circumstances govern. Consult your municipality's HR team and labor counsel.

Discipline | Just Cause and Improvement

Slides 29–30 | Practical questions for discussion with HR and labor counsel—not an automatic disciplinary formula.

Six just-cause questions

1. Notice: Did the employee know the rule and potential consequences?
2. Reasonable rule: Is it tied to legitimate operational, safety, or conduct expectations?
3. Investigation: Was the investigation fair, timely, and thorough?
4. Proof: Does the evidence support the alleged misconduct?
5. Consistency: Have similar cases been handled similarly?
6. Proportionality: Does the penalty fit the conduct and the employee's record?

Progressive discipline

The goal is correction, clarity, and accountability. Increasingly serious responses may be appropriate when performance or conduct does not improve. Examples include verbal warnings, written warnings, and suspensions. The appropriate response depends on the agreement, circumstances, seriousness, and employee record—not an automatic sequence.

At each stage

- Identify the conduct or performance concern with specific facts.
- Explain the expectation and what improvement looks like.
- Set an appropriate timeframe and explain potential consequences.
- Document the communication and subsequent progress.
- Coordinate with HR and labor counsel before formal action.

Document facts, not fury. These questions support review; they do not replace contract requirements or legal guidance.

Educational overview; applicable law, agreements, and circumstances govern. Consult your municipality's HR team and labor counsel.

Employee Rights | Recognize, Pause, Refer

Slides 31–33 | High-level recognition guide. Consult HR and labor counsel on the specific situation.

Weingarten: when the right arises

A represented employee requests union representation during an investigatory interview the employee reasonably believes could lead to discipline. A routine conversation can change as it progresses; not every supervisory conversation is investigatory.

Manager response

• Stop investigatory questioning when representation is requested.
• Do not discourage the request or try to obtain a few more answers.
• Contact HR or labor counsel before proceeding.
• Coordinate next steps and representation arrangements through the appropriate partners. Check applicable contract requirements.

Watch for the turning point

In the Missing Spreadsheet role play, the employee's statement that the assignment was deliberately left undone raises a possible conduct issue. The manager recognizes the change, then stops questioning when representation is requested. No disciplinary decision has yet been made.

Other issues to recognize

Loudermill: Notice, an explanation of the evidence, and an opportunity to respond before termination for covered public employees. Obtain guidance on coverage and process.
Garrity/Carney: Compelled statements and potential criminal exposure require immediate coordination with labor counsel.
Administrative leave: Coordinate authority, pay status, notice, and communications with HR and labor counsel.

A request for representation is a signal to pause—not push through. This Massachusetts municipal overview replaces the July federal NLRB primer as the session handout.

Educational overview; applicable law, agreements, and circumstances govern. Consult your municipality's HR team and labor counsel.

Direct Dealing | Case Study Worksheet

Slides 37–38 | Read the scenario; discuss before the lessons are revealed.

Scenario

Maria is a new supervisor. She wants to update the duties of Jordan, a union-represented Administrative Coordinator. She proposes adding responsibility for tracking departmental expenditures, preparing draft budget spreadsheets, and serving as the liaison with the central finance office.

During a one-on-one meeting, Maria and Jordan agree to the additional duties. A few weeks later, the union learns of the changes and files an unfair labor practice charge alleging direct dealing.

1. Where did the conversation go off track?

_____
_____
_____

2. Who should Maria have involved before agreeing to the changes?

_____
_____
_____

3. Does Jordan's agreement make it OK to proceed without the union? Why?

_____
_____
_____

My takeaway after the discussion

_____
_____
_____
_____
_____
_____
_____
_____
_____

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Before You Make a Change | Reusable Checklist

Slide 39 | Complete before announcing a settled plan or implementing changes.

Define the proposal

Proposed change:

_____
_____
_____

Operational need:

_____
_____
_____

Employees / positions affected:

_____
_____
_____

Bargaining unit(s): _____

Proposed timing: _____

Review and gather

[ ] Current CBA, applicable MOAs, and relevant provisions
[ ] Management-rights language and other specific contract provisions
[ ] Existing practice and supporting documentation
[ ] Effects on schedules, duties, workload, pay, benefits, or overtime
[ ] Costs, payroll configuration, and implementation needs
[ ] Potential effects on other departments or bargaining units

Coordinate before implementation

[ ] Involve municipal leadership, HR, labor counsel, finance, and affected departments as appropriate.
[ ] Ask the team to determine whether notice or bargaining is required.
[ ] Coordinate communications and proposed timing.
[ ] Address required obligations before implementing.

Partners contacted / next steps: _____
_____
_____

Pause. Check. Call. Then act.

Educational overview; applicable law, agreements, and circumstances govern. Consult your municipality's HR team and labor counsel.

Grievances and Key Takeaways

When a grievance arrives — slide 34

• Read the grievance and the applicable CBA definition and procedure.
• Identify the claimed violation and preserve relevant records.
• Flag contractual deadlines and the designated response steps.
• Gather facts, emails, schedules, assignments, and contemporaneous notes.
• Coordinate the response with HR and labor counsel.
• Do not assume the steps or deadlines are the same across contracts.

A grievance is a process to manage—not a personal attack.

Six takeaways — slide 40

1. Know your contract, bargaining unit, and Chapter 150E obligations.
2. Management rights do not eliminate bargaining obligations.
3. Bargain in good faith—work as one coordinated team.
4. Respect employee rights; don't bypass the union or retaliate.
5. Use fair, consistent, documented discipline.
6. Handle grievances with facts, good records, and timely action.

Three pitfalls to recognize — slides 35–38

Unilateral changes: changing conditions without meeting bargaining obligations.
Transfer of work: moving bargaining-unit work without checking obligations.
Direct dealing: negotiating bargainable changes directly with employees instead of the union.

Pause. Check. Call. Then act.
Phone a friend on your HR team or labor counsel.

Educational overview; applicable law, agreements, and circumstances govern. Consult your municipality's HR team and labor counsel.

Resources and Presenter Contacts

Massachusetts public-sector references

Department of Labor Relations (DLR):
https://www.mass.gov/orgs/department-of-labor-relations

A Guide to the Massachusetts Public Employee Collective Bargaining Law (Green Book):
https://www.mass.gov/a-guide-to-the-massachusetts-public-employee-collective-bargaining-law The

National Labor Relations Board: An Outline of Law and Procedure in Representation Cases:
https://www.nlrb.gov/sites/default/files/attachments/pages/node-174/outlineoflawprocedurejan2025.pdf

The National Labor Relations Board: Casehandling Manual Part One: Unfair Labor Practice Proceedings:
https://www.nlrb.gov/sites/default/files/attachments/pages/node-174/ulp-manual.pdf

Use your municipality's current CBAs, applicable MOAs and side agreements, and designated HR/labor-relations contacts. Newton examples in this training illustrate issues; they are not templates for every community.

For the Book Worms like Michelle: Labor History and relevant titles.

- **There Is Power in a Union: The Epic Story of Labor in America – Philip Dray** Sweeping narrative history from the 19th century to the present; often praised as both comprehensive and very readable. (MPO rating = FIVE STARS!)
- **Labor in America: A History – Melvyn Dubofsky & Joseph A. McCartin (earlier editions Dubofsky & Foster Rhea Dulles)** Classic survey text that traces the U.S. labor movement's development, legal framework, and major conflicts
- **State of the Union: A Century of American Labor – Nelson Lichtenstein** Focuses heavily on the 20th century, the rise and decline of organized labor, and its relationship to politics and the economy.
- **A History of America in Ten Strikes – Erik Loomis** Tells labor history through case studies of ten pivotal strikes, from Lowell mill workers to more recent actions. (MPO rating = FIVE STARS!)
- **Beaten Down, Worked Up: The Past, Present, and Future of American Labor – Steven Greenhouse** Combines historical overview with contemporary case studies; very accessible for non-specialists.
- **Who Built America? Working People and the Nation's History – American Social History Project** (more textbook-like but rich with sources).
- **Fight Like Hell: The Untold History of American Labor – Kim Kelly** Highlights marginalized workers (women, Black workers, queer workers, disabled workers) whose stories are often missing from standard narratives.
- **Radium Girls: The Dark Story of America's Shining Women – Kate Moore** Not a full labor history, but a powerful case study of women workers, workplace safety, and the law. (MPO rating = FIVE STARS!)
- **What Do Unions Do?** (Bennett & Kaufman, eds.) – A classic analytical look at how unions affect wages, working conditions, and workplace dynamics; useful background for managers who want to understand the bigger picture.

- **The 5 Languages of Appreciation in the Workplace** (Chapman & White) – Helpful for improving everyday employee relations and trust, which makes discipline and grievances easier to manage.
- **Making of a Manager** (Julie Zhuo) and Radical Candor (Kim Scott) – Often recommended for supervisors learning to give feedback, coach, and document performance issues in a fair, consistent way.
- **Leaders Eat Last** – Simon Sinek (or anything by Sinek) - Focuses on leaders creating a "circle of safety" where employees feel protected and trusted; great for thinking about culture, fairness, and how leaders support people through change. (MPO rating = FIVE STARS!)
- **Radical Candor** – Kim Scott A framework for being a "kick-ass boss" while still caring personally; very relevant to coaching, feedback, and performance conversations that can later tie into discipline and documentation.

Optional background reading, not legal authority.

Presenters

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For a specific workplace decision, contact your own municipality's designated HR team and labor counsel.

Good labor relations start with good relationships.

Educational overview; applicable law, agreements, and circumstances govern. Consult your municipality's HR team and labor counsel.